

HOUSE BILL 1471

Unofficial Copy
C8

2004 Regular Session
(4lr2356)

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Walkup, Aumann, Boschert, Bozman, Cadden, Cane, V. Clagett, Conroy, Conway, Costa, Donoghue, Dwyer, Eckardt, Elmore, Franchot, Frank, Frush, Gilleland, Haddaway, Howard, Hubbard, Kach, Krebs, Leopold, Love, McConkey, McHale, McMillan, Minnick, O'Donnell, Parrott, Proctor, Rudolph, Smigiel, Sophocleus, and Sossi**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Dredge Dredged Material Disposal Alternatives Act of 2004**

3 FOR the purpose of establishing a ~~Dredge~~ Dredged Material Disposal Alternatives
4 Program within the Department of Business and Economic Development;
5 providing for the purposes, goals, and activities of the Program; requiring the
6 Department of Business and Economic Development to seek certain moneys for
7 the Program; making the Program contingent on the allocation to the Program
8 of a ~~certain percentage of the~~ money appropriated in the State budget to the
9 Maryland ~~Port Administration for certain uses~~ Department of Transportation;
10 requiring the Maryland Department of Transportation to allocate certain money
11 appropriated to it after certain conditions are met; ~~requiring the Administration~~
12 ~~to be responsible for transporting and the costs of transporting dredge dredged~~
13 ~~material to certain facilities~~; defining certain terms; requiring recipients of

1 financial assistance from the Program to submit certain reports on a certain
 2 basis to the Department of Business and Economic Development; authorizing
 3 the Department to impose terms and conditions on financial assistance provided
 4 from the Program; requiring, on or before a certain date, the Maryland
 5 Department of Transportation to submit a certain report to certain persons; and
 6 generally relating to the ~~Dredge~~ Dredged Material Disposal Alternatives
 7 Program.

8 BY adding to
 9 Article 83A - Department of Business and Economic Development
 10 Section 6-801 ~~through 6-803, inclusive, and 6-802~~ to be under the new subtitle
 11 "Subtitle 8. ~~Dredge~~ Dredged Material Disposal Alternatives Program"
 12 Annotated Code of Maryland
 13 (2003 Replacement Volume)

14 Preamble

15 WHEREAS, The shipping channels for the Port of Baltimore, including the main
 16 channels and anchorages in and adjacent to the Chesapeake Bay and its approaches,
 17 must undergo dredging in order to maintain channel depth necessary for the
 18 economic viability of the Port; and

19 WHEREAS, ~~Dredge~~ Dredged material has economic value and is a sustainable,
 20 replenishable resource; and

21 WHEREAS, There is a pressing need to work within a climate of limited
 22 financial resources to fulfill the stewardship responsibilities for the infrastructure of
 23 Maryland's water resources; and

24 WHEREAS, Innovative solutions can facilitate the successful management of
 25 materials dredged from the Chesapeake Bay and the Port of Baltimore, create jobs
 26 and economic growth, and retain existing jobs; and

27 WHEREAS, The beneficial reuse and conversion of ~~dredge~~ dredged material
 28 into end products that have economic value will result in a self-sustaining program
 29 for the reuse of ~~dredge~~ dredged material and in the creation of renewable ~~dredge~~
 30 dredged material disposal options for future maritime disposal needs; now, therefore,

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 32 MARYLAND, That the Laws of Maryland read as follows:

33 **Article 83A - Department of Business and Economic Development**

34 **SUBTITLE 8. ~~DREDGE~~ DREDGED MATERIAL DISPOSAL ALTERNATIVES PROGRAM.**

35 6-801.

36 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 37 INDICATED.

1 (B) "~~DREDGE~~ DREDGED MATERIAL" MEANS SAND, SILT, SEDIMENT, SHELL,
2 ROCK, SOIL, WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM
3 THE CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

4 (C) "~~DREDGE~~ DREDGED MATERIAL REUSE FACILITY" MEANS A FACILITY THAT
5 DEWATERS, ANALYZES FOR CONTAMINANTS, DRIES, AND PROCESSES ~~DREDGE~~
6 DREDGED MATERIAL FOR REUSE IN AN ECONOMICALLY BENEFICIAL MANNER.

7 (D) "REUSE" MEANS THE RECYCLING OF ~~DREDGE~~ DREDGED MATERIAL FOR
8 ITS USE IN ANOTHER PRODUCT, INCLUDING, BUT NOT LIMITED TO, COMMERCIAL
9 AND INDUSTRIAL USES.

10 6-802.

11 (A) THERE IS A ~~DREDGE~~ DREDGED MATERIAL DISPOSAL ALTERNATIVES
12 PROGRAM IN THE DEPARTMENT.

13 (B) (1) THE PURPOSE OF THE PROGRAM IS TO:

14 (I) DESIGNATE INNOVATIVE REUSES OF ~~DREDGE~~ DREDGED
15 MATERIAL AS A SUSTAINABLE ALTERNATIVE IN THE MANAGEMENT OF ~~DREDGE~~
16 DREDGED MATERIAL DISPOSAL; AND

17 (II) PROVIDE FINANCIAL ASSISTANCE TO INDIVIDUALS AND
18 BUSINESS ENTERPRISES FOR THE PRODUCTION AND MARKETING OF
19 TECHNOLOGIES THAT DEWATER, ANALYZE FOR CONTAMINANTS, DRY, AND PROCESS
20 ~~DREDGE~~ DREDGED MATERIAL FOR REUSE IN AN ECONOMICALLY BENEFICIAL
21 MANNER.

22 (2) THE GOALS OF THE PROGRAM ARE TO:

23 (I) IMPLEMENT BENEFICIAL REUSE OF ~~DREDGE~~ DREDGED
24 MATERIALS AS A SUSTAINABLE ~~DREDGE~~ DREDGED MATERIAL MANAGEMENT
25 METHOD;

26 (II) FOSTER MARKETS FOR END USE PRODUCTS THAT USE ~~DREDGE~~
27 DREDGED MATERIAL AS A RESOURCE;

28 (III) INCREASE PUBLIC AWARENESS OF THE MANY VALUABLE
29 COMMERCIAL AND INDUSTRIAL USES OF ~~DREDGE~~ DREDGED MATERIAL AND
30 PRODUCTS THAT ARE PRODUCED USING ~~DREDGE~~ DREDGED MATERIAL; AND

31 (IV) FACILITATE THE REUSE OF AT LEAST 500,000 CUBIC YARDS OF
32 ~~DREDGE~~ DREDGED MATERIAL EACH YEAR.

33 (C) THE PROGRAM SHALL:

34 (1) SEEK MONEYS AVAILABLE THROUGH FEDERAL PROGRAMS TO BE
35 USED IN ADMINISTERING THE PROGRAM;

1 (2) ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS AND PROVIDE
2 FINANCIAL ASSISTANCE TO FOSTER THE DEVELOPMENT, CONSTRUCTION, AND
3 OPERATION OF ~~DREDGE~~ DREDGED MATERIAL REUSE FACILITIES IN THE STATE;

4 (3) PROVIDE FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF END
5 USE MARKETS FOR ~~DREDGE~~ DREDGED MATERIAL; AND

6 (4) PROMOTE THE REUSE OF ~~DREDGE~~ DREDGED MATERIAL AND
7 MARKET THE RESULTING PRODUCTS.

8 (D) FINANCIAL ASSISTANCE FROM THE PROGRAM MAY BE IN THE FORM OF
9 LOANS OR GRANTS, AS PROVIDED IN THE REGULATIONS ADOPTED BY THE
10 DEPARTMENT.

11 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
12 SUBTITLE.

13 (F) (1) ~~THE PROGRAM IS CONTINGENT ON THE ALLOCATION TO THE~~
14 ~~PROGRAM OF 5% OF THE MONEY APPROPRIATED IN THE ANNUAL STATE BUDGET TO~~
15 ~~THE MARYLAND PORT ADMINISTRATION FOR THE MANAGEMENT OF DREDGE~~
16 ~~MATERIAL~~ MARYLAND DEPARTMENT OF TRANSPORTATION.

17 (2) THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL, IN
18 ACCORDANCE WITH THE ANNUAL STATE BUDGET, ALLOCATE MONEY FROM THE
19 TRANSPORTATION TRUST FUND FOR THE PROGRAM AFTER ELEMENTS OF A
20 LONG-TERM PLAN FOR MANAGING DREDGED MATERIAL ARE OPERATIONAL AND
21 PROVIDE 20 YEARS OF PLACEMENT CAPACITY AS DEFINED IN §§ 5-1102(D)(2)(II) AND
22 5-1104.2(D) OF THE ENVIRONMENT ARTICLE.

23 ~~6-803.~~

24 ~~THE MARYLAND PORT ADMINISTRATION SHALL BE RESPONSIBLE FOR~~
25 ~~TRANSPORTING DREDGE DREDGED MATERIAL AND THE COSTS ASSOCIATED WITH~~
26 ~~TRANSPORTING DREDGE DREDGED MATERIAL FOR PROCESSING AT THE SITE OF A~~
27 ~~DREDGE DREDGED MATERIAL REUSE FACILITY.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
29 2006, the Maryland Department of Transportation shall report to the Governor and,
30 subject to § 2-1246 of the State Government Article, the General Assembly on the
31 planned date of funding of the Dredged Material Disposal Alternatives Program.

32 SECTION 3. AND BE IT FURTHER ENACTED, That an individual or business
33 enterprise that receives financial assistance from the ~~Dredge~~ Dredged Material
34 Disposal Alternatives Program established by this Act for the development,
35 construction, or operation of a ~~dredge~~ dredged material reuse facility shall regularly
36 submit to the Department of Business and Economic Development a status report
37 that clearly documents how the moneys are being used by the individual or business
38 enterprise and the extent to which ~~dredge~~ dredged material has been processed and
39 reused.

1 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That the Department of
2 Business and Economic Development may impose terms and conditions on financial
3 assistance provided from the ~~Dredge~~ Dredged Material Disposal Alternatives
4 Program established under this Act.

5 SECTION 4. 5. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2004.